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Recommended Citation

Utah State University, "Academic Freedom and Tenure Committee Minutes, November 10, 2011" (2011).
Academic Freedom and Tenure Committee. Paper 27.
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Utah State University
Academic Freedom and Tenure Committee (AFT)
Minutes – November 10, 2011

In attendance: Scott Budge, James Barnhill, Maria Spicer-Escalante, Britt Fagerheim, Bryce Fifield, Richard Jenson, Anthony Lott, Craig Petersen, Mark Riffe, Aaron Roggia, and Helga Van Miegroet.

- The meeting was called to order at 3:00 PM by AFT Chair Richard Jenson
- Minutes for the October 13, 2011 AFT Committee meeting were read and approved.
- The committee revisited the proposal approved during the October 13th meeting with respect to increasing the initial solicitation of external review letters from four letters to six [405.7.2(1)]. Those raising concerns about the change cited the additional effort on the part of department heads and reviewers to request, and for reviewers to write the additional letters. It was also argued that requiring six letters may not be necessary because many department heads are likely to obtain commitments from reviewers in advance. Arguments in favor of six letters included: (1) would possibly lessen the impact of one negative letter; (2) reduce concerns about meeting tenure and promotion deadlines; and (3) many department heads are already requesting more than four letters. After this discussion no motion was made to amend, and therefore the previously approved recommendation will stand.
- David Peak, a former member of the AFT committee recommended in a memo to the AFT Committee that the following two amendments be made to section 405 with respect to quinquennial reviews:
 - A proposal that section 405.12.2 [standard for quinquennial review] be amended to change the phrase “the **basic** standard for appraisal” to the “the **only** standard for appraisal.” Arguments for this proposed change raised concerns that the word “basic” could be interpreted as a minimum standard. There were a few members that felt that the word “basic” should just be dropped from the phrase, but most AFT members felt that the word “only” would make the wording stronger and a motion was passed to recommend this change.
 - A proposal to amend 405.12.2 to insert the word “in-depth” so that it would read “This **in-depth** evaluation of tenured facultyDavid noted that this word had recently been removed from the code and expressed the opinion that faculty undergoing a fifth year review deserved an “in-depth” review. While the AFT committee agreed with this sentiment, it also felt that the existing code already provided adequate guidance about what is to be included in the review. There was no motion to approve this recommendation.
- David Peak also made two recommendations to amend the following paragraphs in 407.6 with respect to grievances:
 - A proposal to amend 407.6.5 to insert a statement that compliance with pre-hearing procedures is an obligation of employment. This statement would be parallel to a similar statement with respect to obligations of USU employees to comply with in the actual hearing. A motion to approve this proposal passed.
 - A proposal to amend 407.6.6(8) because of an apparent conflict in the hearing panel’s reporting requirements under the code. As David Peak notes, the first sentence in this paragraph states that the hearing panel will “determine **only** whether the grievance is valid or not valid.” Yet, this paragraph later refers to a written report and **recommendation**. The AFT committee agreed that this amounted to a conflict. The committee felt that the hearing panel should retain the prerogative to provide recommendations to the president that would address important issues raised in the grievance process. A motion was made to remove the word “only” from the first sentence and to retain the word “recommendation.” This motion passed.
- Craig Petersen raised concern about a grievance process convened during 2010-11 in which the hearing panel issued a “default judgment” for the grievant before a hearing could be scheduled.

Scott Budge, who had served on this panel, explained that most of the respondents had stopped cooperating with the panel, and that this prevented the panel from proceeding to the hearing stage. Craig was given the assignment to identify and propose methods and procedures for handling similar cases in the future.

- Helga Van Miegroet introduced a discussion point regarding the use of calendar days in computing the various deadlines governing the timing of grievance hearing events. She expressed concern about the impact of a faculty code amendment that changed the computing of days from a basis of working days to the current basis of calendar days. Although the original intent of this amendment was to expedite the grievance hearing process, Helga presented an example timeline showing that a grievance filed after a January 15th termination notice would still not reach the hearing stage until the Fall semester of the following year. She felt that the calendar year reckoning of days could lead to unrealistic expectation on the part of a grievant that a hearing could be concluded by the end of Spring semester. In addition, Helga raised concerns that panel chairs and others participating in the hearing process, who are not on summer contracts, would be negatively affected by the current calendaring basis. The preliminary response from the AFT committee was that a calendaring solution should be developed that makes the hearing process as expeditious as possible, minimizes the burden on hearing participants, and is realistic in its timeframe. This issue was tabled for the lack of time, but with the intention that discussion continue at the next meeting.
- The next meeting of the AFT will be on December 1st from 3:00-4:30 PM in BUS 509.
- The meeting was adjourned at 4:45 PM.

Respectfully submitted by Richard Jenson.